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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,121	10/18/2005	Ingo Dudeck	4884/PCT	1192
21553	7590	11/29/2007		
FASSE PATENT ATTORNEYS, P.A.			EXAMINER	
P.O. BOX 726			CHEN, SHELLEY	
HAMPDEN, ME 04444-0726			ART UNIT	PAPER NUMBER
			3661	
			MAIL DATE	DELIVERY MODE
			11/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/540,121

Applicant(s)

DUDECK ET AL.

Examiner

Shelley Chen

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 22-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 22-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited.

The language should be clear and concise and should assist readers in deciding whether there is a need for consulting the full patent text for details.

2. The disclosure is objected to because of the following informalities: Section headings are missing from the specification.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
4. **Claims 1-2 and 22-41 rejected** under 35 U.S.C. 103(a) as being unpatentable over **Shimizu et al.** (U.S. Patent # 6,483,224) in view of **Macnamara** (WIPO Publication # 02/075251)

Regarding claims 1, 22, and 25, Shimizu discloses a method for assisting the driver of a vehicle during a parking maneuver including all limitations of the instant claims, except that the parking gap is not sensed and measured from the vehicle. However, Shimizu discloses that this limitation is known in the prior art (column 1 lines 11-21)

Shimizu discloses the claimed determination of the setpoint trajectory, the claimed position sensing means, and the claimed plan view image display device including parking gap, optimum setpoint position, first vehicle, second vehicle, and setpoint trajectory. (figures 1 and 3-35: basic block diagram, displayed images, flow

charts and geometric figures showing trajectory calculations, etc; position sensing means is based on distance and speed sensors)

In the same field of endeavor, Macnamara discloses a method for assisting the driver of a vehicle during a parking/docking maneuver, including the sensing and measuring the parking gap from the vehicle (figure 1: sensors, etc).

It would have been obvious to modify Shimizu to sense and measure the parking gap from the vehicle, as taught by Macnamara and commonly known in the art, in order to acquire more accurate dimensions for the parking gap, with no new or unexpected results.

Regarding claim 2, Shimizu further discloses that the setpoint trajectory is determined as a function of the initial steering angle (embodiments 2 and 4, ex. figure 14: detection of steering angle S15, column 16 lines 21-24)

Regarding claims 23-24, Shimizu further discloses the claimed first and second sections (all embodiments: ex. column 20 lines 37-44, figure 24)

Regarding claim 26, Shimizu further discloses that the claimed request (in the form of a buzzer sound, then suspension of parking assistance, figure 2, column 12 lines 27-36, column 13 lines 3-8, etc).

Macnamara discloses the claimed parking determination and measurement (figure 1: sensors constantly sense surroundings including parking gap, etc)

It would have been obvious to modify Shimizu to do so, as taught by Macnamara and commonly known in the art, in order to acquire more accurate dimensions for the parking gap, with no new or unexpected results.

Regarding claims 27, 35-36, Shimizu further discloses stops at the starting position and section ends (at least embodiment 4: column 20 lines 37-44).

Shimizu fails to disclose that these stops are automatic. However, it would be obvious to make these stops automatic, as commonly known in the art, in order to eliminate one source of drive error, with no new or unexpected results. The device is able to determine when a desired stopping point has been reached (a buzzer is sounded), so it would be simple to automatically stop at that time.

Regarding claims 28-29, Shimizu further discloses the claimed requests (in the form of buzzer sounds combined with the display, column 20 lines 61-64, column 21 lines 16-18, etc).

Regarding claim 30, Shimizu further discloses the claimed visual indication (most figures 3-33: displayed image indirectly shows rotation of the steering wheel).

Regarding claims 31-32, Shimizu further discloses the claimed feedback (claims 15-18).

Regarding claims 33-34, Shimizu fails to disclose requesting the driver to drive off with the steering wheel held in position if the vehicle is parked, or removing the parking situation image when the vehicle is driven off (except when passing the speed limit, column 13 lines 3-10, column 14 lines 35-41, claim 29, etc).

It would have been obvious to do so, as commonly known in the art, in order to exit the parking space using the same assistance used for entering it, with no new or unexpected results.

Regarding claims 37-38, Shimizu further discloses detection and indication when the vehicle leaves a tolerance range as claimed (column 15 lines 9-15, column 14 lines 60-67, etc).

Shimizu fails to disclose automatically stopping at that time. However, it would have been obvious to do so, as commonly known in the art, in order to avoid property damage due to driver error, with no new or unexpected results.

Regarding claim 39, Shimizu further discloses the new trajectory calculations as claimed. (column 19 lines 7-17, column 19 lines 57- column 20 line 9, etc)

Regarding claim 40, Shimizu further discloses that the driver is informed whether it is necessary to maneuver the vehicle as claimed (indirectly by viewing the displayed image, most figures 3-33)

Regarding claim 41, Shimizu further discloses the claimed vehicle speed limit (column 13 lines 3-10, column 14 lines 35-41, claim 29, etc)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Chen whose telephone number is (571) 270-1330. The examiner can normally be reached Mondays through Fridays, between 10:00 AM and 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached at (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Shelley Chen,

Shelley Chen

Patent Examiner

Art Unit 3661

November 9, 2007

Thomas Black
THOMAS BLACK
SUPERVISORY PATENT EXAMINER